

## REMARKS

The rejection of claims 1 and 4 under 35 USC 103(a) as being unpatentable over Kajiyama et al (USP 6,108,296) in view of Ogino (USP 6,430,291) is respectfully traversed.

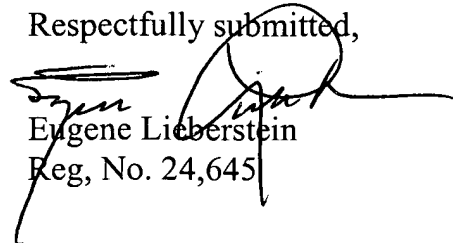
Applicant has amended claims 1 and 4 to make it clear that in the subject invention the playback speed is adjusted to a specific speed representing the transfer rate at which an upstream device can obtain video data when it is determined that the contents of the loaded DVD are protected using the first determining unit. Accordingly, the playback speed control unit in claims 1 and 4 do not operate as an ON/OFF switch for stopping the rotation of the disk as is taught in Kajiyama '296, but instead actually vary the playback speed to a specific transfer rate when it is determined that the contents of the loaded DVD is protected. Neither Kajiyama nor Ogino disclose a disk drive unit in which the playback speed is varied based upon the results of the first determining unit which determines whether the loaded DVD is a DVD-ROM or a DVD-VIDEO. If it is determined that the loaded DVD is not a DVD-ROM but is instead a DVD-VIDEO, the playback speed is limited that is reduced so that the power consumed and the vibration is generated by the drive unit can be reduced. More specifically, as shown in amended claims 1 and 4, if protect information exists in the loaded disk, it is determined that the disk is a DVD-VIDEO for which the contents are protected. In this case, the read command from the upstream device adjusts the playback speed to a selected transfer rate at which the upstream device can obtain video data and to a substantially different playback speed when it is determined that the loaded DVD is a DVD-ROM. This is clearly supported in the specification on page 12.

For all of the above reasons, claims 1 and 4 as amended are now believed patentable over the cited references.

The Examiner has indicated that claims 2, 3, 5 and 6 are allowed.

Reconsideration and allowance of claims 1-6 is respectfully solicited.

Respectfully submitted,



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**MAILING CERTIFICATE**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313 on January 18, 2005.

Dated: January 18, 2005

Signed:

